

# **Exhibit “2”**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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NEW YORKERS FOR RELIGIOUS LIBERTY, INC.,  
GENNARO AGOVINO, CURTIS CUTLER, LIZ  
DELGADO, JANINE DEMARTINI, BRENDAN  
FOGARTY, SABINA KOLENOVIC, KRISTA O'DEA,  
DEAN PAOLILLO, DENNIS PILLET, MATTHEW  
RIVERA, LAURA SATIRA, FRANK SCHIMENTI,  
JAMES SCHMITT, individually and on behalf of all  
other persons similarly situated,

Case No. 1:22-cv-00752

Plaintiffs,

- against -

THE CITY OF NEW YORK; ERIC ADAMS, in his  
official capacity as Mayor of the City of New York,  
DAVE CHOKSHI, in his official capacity as Health  
Commissioner of the City of New York, and ROBERTA  
REARDON, in her capacity as New York State  
Commissioner of Labor,

Defendants.

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**DECLARATION OF SABINA KOLENOVIC**

SABINA KOLENOVIC declares as follows, pursuant to 28 U.S.C. § 1746:

1. My name is Sabina Kolenovic and I am a plaintiff in the above-referenced case.
2. I live in Brooklyn, New York, and was employed by the New York City  
Department of Education (“DOE”) as a teacher for over 8 years.
3. I respectfully submit this Declaration in support of Plaintiffs’ Motion for a Preliminary  
Injunction.
4. I know the facts stated herein to be true based upon my personal knowledge, except for

statements which are made on information and belief, and as to those, I verily believe them.

5. On February 15, 2022, the Citywide Appeals Panel denied my appeal of the DOE's denial of my religious exemption request.
6. A true and correct copy of this denial is attached as Exhibit A.
7. The email indicating my denial stated that I had seven business days to submit proof of vaccination or be placed on leave without pay.
8. I refused to be vaccinated in violation of my religious beliefs.
9. The DOE's Self-Service Online Leave Application System still gives me the option to either "Return to Work" or "Extend LWOP." Based upon this, as well as otherwise upon information and belief, I believe that I could be reinstated if I chose to violate my sincerely held religious beliefs and get vaccinated. Upon information and belief, other people have done so.
10. I can no longer pay for my son's room and board at college, and I fear that I will not be able to pay for my daughter to attend college next year.
11. I have been unable to obtain much-needed dental work due to the loss of health benefits.
12. The stress of this experience has left me physically, mentally, and emotionally depleted and has caused me to lose significant amounts of hair.
13. I live with endless fear that at any moment I may have to cave to the pressure and become vaccinated in violation of my sincerely held religious beliefs.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
March 8, 2022

A handwritten signature in black ink, appearing to read "Sabina Kolenovic", written over a horizontal line.

By: Sabina Kolenovic

# **Exhibit “A”**

**From:** NYC Employee Vaccine Appeals

[<vaxappeal@dcas.nyc.gov>](mailto:vaxappeal@dcas.nyc.gov)

**Date:** February 15, 2022 at 2:45:18 PM EST

**To:** Kolenovic Sabina <[REDACTED]>

**Subject: Reasonable Accommodation Appeal  
Determination**

The City of New York Reasonable Accommodation Appeals Panel has carefully reviewed your Agency's determination, all of the documentation submitted to the agency and the additional information you submitted in connection with the appeal. Based on this review, the Appeals Panel has decided to deny your appeal. This determination represents the final decision with respect to your reasonable accommodation request.

The decision classification for your appeal is as follows: DOE has demonstrated that it would be an undue hardship to grant this accommodation to appellant given the need for a safe environment for in-person learning.

**For all employees other than DOE employees:** Pursuant to the City of New York's policy concerning the vaccine mandate, you now have **three business days** from the date of this notice to submit proof of vaccination. If you do not do so, you will be placed on a leave without pay (LWOP).

**For Department of Education (DOE) employees:** Pursuant to New York City Department of Education policy, you have seven calendar days to extend your Leave Without Pay or return to work. If you do neither, you will be subject to termination. For further information and instructions, please see [DOE Denial of Appeal Information](#).